

land, Parker, Randolph, Record, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt and Yarbrow—24.

NAYS—None.

Upon motion of Senator Guinn, House bill to amend the 15th and 16th sections of an act to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee county, approved January 19th, 1858, on its second reading, was taken up, read and passed to a third reading; upon further motion of Senator Guinn, rule was again suspended, bill read third time by caption and passed.

Upon motion of Senator Record, a bill to incorporate the Honey Springs Ferry Company, on its second reading, was taken up, read and ordered to be engrossed; and upon further motion of Senator Record, rule was again suspended, bill read third time by caption and passed by a two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Lane, McDade, Nelson, Neyland, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarbrow—24.

NAYS—None.

House bill to incorporate the Houston and Harrisburg Turnpike Company, on its second reading, taken up, read and passed to a third reading; and upon motion of Senator Foscue, rule was suspended, bill read third time by caption and passed by a two-third vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Dalrymple, Foscue, Guinn, Jowers, Lane, McDade, Nelson, Neyland, Randolph, Record, Reed, Saufley, Selman, Shannon, Shelley, Stell, Truitt and Yarbrow—24.

NAYS—None.

The hour for the consideration of the special order having arrived, the bill for the relief of creditors in certain cases, with the report of the Judiciary Committee, recommending a substitute, was taken up, and pending discussion of the bill, upon motion of Senator Randolph, the Senate adjourned until tomorrow morning at 10 o'clock.

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SENATE CHAMBER, }  
AUSTIN, Sept. 20, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Neyland, Chairman of Committee on Engrossed Bills, reported as correctly engrossed the following bills :

A bill to be entitled "An Act to transfer the administration of the estate of C. C. Alexander from the county of Smith to the county of Fannin in the State of Texas."

A bill to be entitled "An Act making an appropriation for the payment of the salaries of officers of the Provisional Government, and for indebtedness of the State incurred during the pendency of said Government, still remaining unpaid."

Senator Shannon, Chairman of Joint Select Committee on Land Office, made the following report.

COMMITTEE ROOM, September. 1866.

*To the Hon. G. W. Jones, President of Senate:*

The Joint Committee to whom was referred the charge of defalcation in the Land Office, have had the same under consideration, and the committee have instructed me to report the following facts :

1st. We find that the charge relates to the last term of office served by Commissioner S. Crosby, in which it appears he appointed three different persons to act as the "Receiver." Capt. Fred W. Moore was first appointed, and served until the 1st of May, 1862, when by direction of the Commissioner, he transferred his books and accounts and money on hand to Mr. R. M. Elgin, the bonded "Chief Clerk" at the time of this transfer, Mr. Moore turned over to Elgin, the sum of \$8,163 82 in specie, as is shown by referring to Elgin's affidavit, exhibit "A," hereto appended. It appears that Elgin served as "Receiver" from 1st of May, 1862, to 1st of April, 1864, when, by direction of the Commissioner he transferred his books and cash on hand, to Mr. Stephen Minot, Receiver. At the time of this transfer Mr. Minot received of Mr. Elgin, the sum of \$7,060 13 in specie, as is shown by referring to exhibit "B," Minot's affidavit hereto attached the amount of \$1,103 69, having been expended as is shown in Elgin's affidavit. We have examined the books and accounts of Capt. Moore and Mr. Elgin, and do not find any culpable errors; and Mr. Minot, their successor, stated when before us, that their books were fair, when turned over to him, and really, in case of Capt. Moore, showed the cash account in his favor. We therefore confine our report to the record of Mr. Minot's administration.

It appears by referring to Minot's bond and oath of office exhibit "C," that he qualified on the 1st of March, 1864. By referring however to "A" and "B," it will be seen that the money was not counted out and keys delivered until 1st of April, and

the expenditure of specie for the month of March is included in Elgin's account.

2. It is shown by the books of the 1st quarter, which begins 1st of March, 1864, and ends 31st of May, that the Receiver is charged with \$7,280 68 in specie, and \$5,560 33 State Warrants, and \$45,243 36 in Confederate money. Of the specie thus charged on the books, Mr. Minot is only responsible for \$7,060 13, the amount shown to be turned over to him. During this time it appears that the Receiver credits his accounts by sundry reports to the Treasury, withdrawals and postage, as follows :

\$2,953 88 in specie, \$842 98 in State Warrants, and \$22,014 25 in Confederate money. In examining the books to find what became of the specie, we find on the 31st of May the following very striking entry by the Receiver :

"To amount of sundry specie deposits withdrawn, and Confederate money paid instead, the same having been paid from time to time into the Treasury in Confederate money as per voucher filed, he having paid specie to depositors \$2,189 25. We found no vouchers on file for this item, and called both Minot and Crosby before us for an explanation. Mr. Minot produced from his pocket exhibit "D" as his explanation, stating it was not left on file for private reasons, and was not presented to the examining board by him for the same reasons; that he carried the key to the safe, kept the books, made out the reports to the Treasury, and paid in funds taking Comptroller's receipts. That the Commissioner did not regularly examine the accounts or count the money. Capt. Crosby, on his part, admitted the signature to exhibit "D" to be genuine, but denied all knowledge of its contents, and called upon the Receiver to explain when and how he procured it, which was not satisfactorily done. The Commissioner then stated, he was in the habit of trusting the whole matter to the Receiver, and as this was in form of a Report, presumed it had been presented at some time with the Reports, for that quarter and he had signed it as a report without an examination. From the face of the paper, conduct of the parties, and statement of other employees, we are of the opinion that the Receiver failed to explain how he came in possession of this paper; in fact the statements of both in respect to it was unsatisfactory. For the quarter we observed in the book various charges, showing specie paid for postage at different times to the amount of \$7 75, which the Receiver admitted he used himself, saying nothing about it, which was a contradiction of his charge in the books.

3. From the books we see that in the month of June the Receiver is charged with money in hand as follows :

\$4,326 80, in specie; \$4,799 38, in State paper; \$29,633 21 in Confederate money. That in this month, the Confederate money is exchanged for new issue, at three for two. For this period the Receiver has made entry of expenditures as follows :

\$854 10 in specie ; \$3,770 50 in State paper, and \$3,095 26, Confederate money; and for the months of July and August it appears he had on hand \$3,472 40 specie, \$1,091 80 State money, and \$21,713 28 in Confederate money. Whilst for these months his books show an expenditure of \$747 02, specie; \$12 40 State Warrants, and \$1,746 43 in Confederate moneys. In casting up the additions for this period we find he has made an error of \$100 00 in the specie column, and his books show specie carried to next quarter \$2,725 68, when it really is \$2,825 68. We find this error carried entirely through the books of the office uncorrected. Mr. Minot admitted it, and said the specie ought to be in his hands, that he had used it and would replace it as soon as possible ; that the Commissioner knew nothing about it. In addition to this, we find the following entry on 22nd of June, 1864 :

"To amount reported to the Treasury in Confederate money, on the following claims :

"S. T. King, \$80 00 ; A Bryant, \$80 00 ; G. C. Bowlin, \$80 00 ; J. S. Hendrick, \$80 00 ; B. Estis, \$80 00 ; J. C. Philips, \$80 00 ; S. D. Burks, \$80 00 ; L. Baize, \$56 00 ; D. J. Dobbins, \$71 00 ; T. R. Pittner, \$10 00 ; Nancy Beaty, \$20 00 ; C. W. Beasley, \$10 00 ; W. J. Riley, \$20 00 ; T. Shierly, \$20,00, and J. Thorp, \$10 00, \$777 75."

We called on the Receiver to explain what become of his voucher, or the specie which in this entry disappears from the books and safe; he had no voucher, and the money was used, and no effort was made to connect the Commissioner with it who disclaimed any knowledge of the transaction until called to his attention by the committee. The items of money charged as expended for postage, the Receiver used himself.

4. From the 1st of September to 29th of November, 1864, the books show the Receiver charged with money on hand, amounting to \$2,825 68 in specie ; \$1,099 40 in State Warrants, and \$24,036 95 in Confederate money. During this period his charges in the cash account of expenditures amount to \$833 32 specie ; \$2 60 in State Warrants, and \$5,939 28 in Confederate money. In our examination of the books for this period, we find some entries which show specie reported to Treasury in

kind, and others showing transfer of money from one account to another, in which specie disappears from the books and safe; other entries show fund reports to Treasury on claims, but payment is made in Confederate money, and the books do not show the specie paid to depositors or to the Commissioner. By referring to exhibit "E," the certificate of the Comptroller, it will be seen that no specie or warrants was paid in the Treasury by Minot in his administration.

5. From the 1st of December, 1864, to 6th of June, 1865, the books show the Receiver to be charged with funds in hand and deposits for the time as follows :

\$1,992 36 in specie; \$5,314 80 in State Warrants, and \$21,499 94 in Confederate money; and the books show for this period an expenditure at different times amounting to \$1,892 36 in specie; \$88 63 in State Warrants, and \$3,101 05 in Confederate money. Thus leaving a balance in the hands of the Receiver amounting to \$100 00 in specie; \$5,226 65 State Warrants, and \$18,395 94 in Confederate money, as shown by the books. We find in this period in the books many items of specie expended in transfer from the account of one man to that of another, also withdrawals, exchanges and postage. On the books we find this entry. "To eight hundred dollars in specie exchanged for \$4,000 00 in Confederate money, at 20 cents on the dollar. There is no order or voucher we have found in which Mr. Minot had authority for this exchange. In his statement before the examining board appointed by Governor Hamilton, the Receiver said the exchange was made by consent of Crosby, to cover a deficit in Capt. Moore's books; and the entry was wrong, and proposed to change it from Confederate money to State Warrants, which Gov. Pease refused to let him do. In his statement to us, he says there was no error in Moore's books, which of his statements are true, we do not know. He produced no evidence connecting the Commissioner with it, and his affidavit shows he (the Commissioner) did not get any of the money so exchanged. In looking over the books we notice many charges, showing State Warrants reported to the Treasury, when really there was none paid in; it seems they were kept on hand to accumulate interest to balance accounts at the close of the books. By referring to exhibit "F" it will be soon that the Warrants in the Treasury (now worthless,) if placed to the credit of the Receiver at face value, will leave still a deficit of \$3,431 75 unaccounted for, save by the charges in the books, which of themselves are meager evidence, especially as they seem to conflict. The evidence before us shows that the Receiver had, \$7,060 13 specie, and

exhibit "F" shows he only left \$3,628 38 in State Warrants instead, which leaves a deficit still of \$3,431 75 as mentioned; even if we assume that the whole amount was placed there by the Receiver, instead of the specie withdrawn, it still leaves a deficit, for we are of the opinion that the Receiver is not entitled to credit of the interest that has accrued since the deposit.

It will also be seen that there is \$18,395 94 in Confederate money on deposit, which has accumulated on pre-emption and settlers' claims &c., The law under which these deposits were made, was passed after the commencement of the war, but we do not think it is embraced under the head of "laws passed in aid of Rebellion," and therefore is not declared to be void by the Convention, at least there is a doubt on the subject. Under the law now in force the Commissioner is required to account for the Government dues upon each claim patented, and the Confederate money will not be received by the Comptroller. We do not think these parties should be compelled to pay again upon the claims, or that the Commissioner should be held responsible for the amounts upon each claim. We therefore recommend the passage of a law authorizing the Commissioner to issue patents upon these claims, to the parties or their assignees, as the law provides, and report the same as coming under this act of relief, accompanying the Report with the original certificate of deposit signed by the Receiver. We have made a rigid examination in the books to ascertain the names of the parties who from time to time made deposits, and whose claims still remain in the office, and we subjoin exhibit "G," giving name, amount, and number of claims. There may be some that we have overlooked, who are in like condition, but most all of these parties deposited in the office specie upon their claims, and we think are entitled to the same relief with those of the first class mentioned, who made deposits in Confederate money, and we are therefore preparing a bill for that purpose.

6. In summing up the facts, as developed on this investigation, we are of the opinion that there was no collusion between the Commissioner and the Receiver, or private understanding to jointly withdraw the specie and substitute other funds; that we have had no evidence before us that the Commissioner ever received any of the money save that shown in exhibit "D;" and from all the circumstances surrounding this voucher, and the conduct of the Receiver in regard to it, we are of the opinion it was obtained in the manner stated by Commissioner. On the other hand we have positive evidence and admissions of the Receiver, that he did use certain amounts, and the books

show that there are others not admitted, of which he had the money, and does not give any satisfactory account of it to us, and he does not connect the Commissioner with it. By examining the law relating to this subject to ascertain who the responsible parties are, we are of the opinion the Receiver cannot be proceeded against by the State, notwithstanding his bond is a good one, for the reason that there is no law that requires a bond of him, and the bond given being an additional requisite introduced by the Commistioner without sanction of law, amounts to nothing so far as the right of the State is concerned. The Commissioner we find is responsible, upon his bond, for all monies paid in on special deposits that are authorized by law. The general deposits he is not responsible for, as he is not required to receive them. It appears also that under the system introduced after the appointment of a Receiver, that the Commissioner never received or receipted for deposits, that this was all done by the Receiver, who it appears has failed to account for the money. And how far the Commissioner is responsible for the acts of this Receiver in whose hands this money is shown to be when it disappeared; and how far he has rendered himself culpable or liable in not more closely inspecting the books of the receiving clerk, and the dispositions he made of the money, are questions of a judicial character we do not determine, and respectfully refer them to the Legislature for such action as may be necessary in the premises. We are unable to report what amount of this specie \$7,060 13, which came into Mr. Minot's hands, was general deposits, and how much special for which the Commissioner would be accountable to the State, as much of it was paid in years ago and letters making the deposits are not filed, and the entry in the books do not state in each case.

It is difficult to determine, also, how much the Commissioner would be responsible for of this deficit in the Receiver's account. We therefore only attempt an aggregate approximate. It is shown that \$7,060 13 came into his hands on the 1st of April, 1864, and gradually it is absorbed by withdrawals, report to Treasury and postage, &c., in each quarter and prominent items given, showing character of absorption. It is also shown that Treasury warrants have been substituted which at face value are \$3,628 38 which if deducted from the specie at par, leaves \$3,431 75 unaccounted for; but then it is said he is entitled to credit of the interest, and to give that still leaves a deficit of specie of \$2,053 13. There is another question also suggested. The law required funds to be kept separate and reported in kind, and no authority was given either the Receiver or Commis-

sioner to exchange funds, or to withhold specie or warrants and pay in Confederate money, and yet the same law made it a legal tender for Government dues, so far as the State was concerned with the individual. To adopt the principle suggested, would not allow the Receiver any credit upon the warrants; undoubtedly some of these warrants were paid in on claims presented during the war, which are still unpatented; and it is a liberal estimate to give him credit on his deficit to amount of principal of the warrants on hand, as they were at the time par funds for Government dues in the office. This being done, it remains for the Legislature to determine whether it will hold the Commissioner responsible, upon his bond, for the deficit of the Receiver, of whose official acts it seems he was ignorant, or in which it appears to us he took but little part. It is the opinion of the Committee that the parties should be relieved by the acts we suggest, leaving the State to lose its repudiated paper found in its offices. Many of the claims have perhaps been abandoned, and the parties entitled to their money which they deposited. They have their right of action against the Receiver or Commissioner, whose certificate of deposit they hold, and can sue and recover. Those who deposited State warrants or Confederate money do not wish to withdraw it, as it is worthless. Since the repudiation, both the State and individual care nothing about it, but on all claims for which it was deposited that may hereafter be perfected, we believe the parties should have their patents, having acted under the law in good faith. All of which is respectfully submitted.

WM. R. SHANNON,  
Chairman on part of Senate.  
L. D. KING,  
Chairman on part of House.

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#### EXHIBIT "A."

Robert M. Elgin, states that he acted as Receiver of the General Land Office of the State of Texas, from the 1st of May, 1862, until the 1st of April, 1864. That when he commenced acting as Receiver, there came into his hands the sum of \$8,163 82 in specie, which had previously been deposited by individuals in advance for dues, patent fees and settlers' claims thereafter to accrue against them. That previous to the 1st of December, 1862, he paid into the State Treasury the sum of



\$48 86 on account of dues and patent fees, of which the sum of \$35 35 was paid into the office in specie for dues and patent fees, and the residue of \$13 51 was paid out of said deposits, leaving in his hands on the 1st of December, 1862, a balance of said deposits amounting to \$8,150 31. That after the 1st of December, 1862, he never paid into the State Treasury any specie on account of dues, patent fees or settlers' claims. That he turned over to Stephen Minot, on the 1st of April, 1864, the sum of \$7,060 13 in specie, and the balance of \$1,090 18 was either withdrawn in specie by the parties who deposited it or paid out in specie by him for said parties, with the exception of \$170 which he received in specie from these deposits on account of dues and patent fees, and accounted for the same to the State Treasury in State Treasury warrants on the 31st of May, 1863.

Stephen Minot was appointed Receiver on the 1st of March 1864. He had been keeping the books for nearly the whole time said Elgin acted, except the cash book, which Elgin kept himself, and which was closed on the last of February, Minot receipting for the balances on hand at that time, though the money was not counted out or the keys delivered for some days thereafter. As the exact day is not remembered, the 1st of April is agreed upon as the time at which the transfer was made, though this affiant will only swear of his own knowledge so far as the cash book kept by himself extends. After the 1st of March, Minot kept all the books.

ROBT. M. ELGIN.

Sworn to and subscribed before me this 15th day of September 1865.

SWANTE PALM,  
Justice of Peace Travis County.

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### EXHIBIT "B."

Stephen Minot, after having been duly sworn by Swante Palm, a Justice of the Peace in and for Travis county, State of Texas, states that he commenced acting as Receiver of the General Land Office of the State of Texas, on the 1st day of April, 1864, and continued to act in that capacity until the 16th of July 1865. That when he commenced his duties as Receiver, there was paid over to him in specie the sum of \$7,060 13 by Robert M. Elgin, which amount had been previously deposited in the Land Office by individuals in advance for dues, patent fees and

settlers' claims and postage, thereafter to accrue against them. That while he was Receiver he never accounted for or paid into the State Treasury any specie on account of dues, patent fees, or settlers' claims. That on the 28th day of February, 1865, he with the advice and consent of Stephen Crosby, exchanged eight hundred dollars of the above deposits for interest bearing State Treasury warrants to the amount of four thousand dollars. A part of this exchange was made with Gov. Murrah, a part with R. M. Elgin, and a part with himself. These Treasury warrants are now in the Land Office on deposit. The balance of said deposits, amounting to \$6,260 13 has all been withdrawn in specie for or by the parties who made the deposit, with the exception of a few deposits (and fragments of deposits, varying in amount from twenty-five cents to a dollar or two,) which have been retained by him, and Confederate notes or Treasury warrants paid into the State Treasury, and for postage and incidental charges for the parties who made the deposits.

STEPHEN MINOT.

Sworn to before me, a Justice of the Peace for Precinct No. 1, of the City of Austin, Travis County, this 13th day of September A. D. 1865.

SWANTE PALM,

Justice of Peace Travis County.

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### EXHIBIT "C."

THE STATE OF TEXAS, }  
COUNTY OF TRAVIS. }

Know all men by these presents, that we, Stephen Minot, as principal, and George W. G. Brown, John Burlage, Thomas Lambshead, B. A. Risher and F. W. Chandler, as securities, are held and firmly bound to Pendleton Murrah, Governor of the State of Texas, and his successors in office, in the penal sum of twenty thousand dollars, the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

In faith whereof, we hereto set our hands, and affix our scrolls for seals, at Austin, this 27th day of February 1864.

The condition of the above obligation is such, that whereas the above bounden, Stephen Minot, has been appointed Receiving Clerk of the General Land Office, from and after the 1st of March, 1864. Now, should the said Stephen Minot faithfully and honestly execute and perform all the duties, obligations and trusts of the said office, in conformity to the Constitution and Laws of the State of Texas, then, and in that case, the foregoing obligation to be null and void—otherwise to remain in full force and virtue.

STEPHEN MINOT,  
GEO. W. G. BROWN,  
JOHN BURLAGE,  
THOMAS LAMBSHEAD,  
B. A. RISHER,  
F. W. CHANDLER,

Approved March 1st, 1864.

I, Stephen Minot, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as Receiver of the General Land Office, of the State of Texas, according to the best of my skill and ability, agreeable to the Constitution and Laws of the State of Texas, and also to the Constitution and Laws of the Confederate States of America; so long as the State of Texas shall remain a member of the Confederacy; and I do further solemnly swear that since the 2d. day of March, A. D. 1861, I being a citizen of this State, have not fought a duel with deadly weapons within the State, nor out of it; nor have I sent, or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending, so help me God.

STEPHEN MINOT.

Sworn to and subscribed before me the 27th day of February, A. D. 1864. In testimony of which I hereunto sign my name and affix the impress of my official seal, the day and year above written.

CHAS. L. ROBARDS,  
Notary Public.

## EXHIBIT "D."

The following specie deposits are handed Capt. Crosby to be paid the depositors :

DATE.	TO WHOM CHAR'D.	SETTLERS' CLAIMS.	AMOUNT.
1862.			
April 24	J. H. Price,	Valentine Wampler,	\$ 82 00
June 11	T. B.	J. H. Cunningham,	82 00
" 25	" "	Mathew McGehee,	82 00
July 14	" "	Joseph S. Kyle,	82 25
Oct. 16	" "	J. B. McGowan,	80 00
" 22	" "	Nathan McCoy,	81 00
Nov. 5	" "	Gory Smitherman,	80 00
Dec. 31	" "	J. C. Stephens,	81 00
" "	" "	W. C. Childress,	80 00
" "	" "	W. H. Robinson,	81 00
" "	R. J. Billingslea,	James Lanman,	81 00
1863.			
Jan. 16	T. B.	Samuel D. Wilson,	81 00
" 22	" " T. Parker,	W. W. Woodall,	81 00
M'ch 23	" "	A. S. Patterson,	81 00
May 27	" "	M. Landrum,	81 00
July 11	" " S. McAdoo,	Zopher Foster,	81 00
Sep. 10	" "	Henry Conway,	59 00
" 11	" "	David Price,	81 00
" 10	" "	Thomas Toler,	81 00
Total Settlers' Claims,			\$1,518 25

		PREEMPTION CLAIMS.	
1862.			
June 20	W. S. Stepron	Raglin's preemption,	\$ 12 00
" "	" "	D. Moore's "	22 00
July 29	" "	Oliver Keath	22 00
" "	T. B. No. 1.	Alexander March	11 00
Aug. 4	R. P. Brown	Pleasant Taylor	21 00
" 8	A. P. Loyd	H. C. & A. J. Bernard	42 00
" 30	J. G. Collier	C. G. Crenshaw	12 00
Sept. 2	W. P. Buttain	A. M. Long	12 00
" "	" "	K. D. Bradshaw	12 00
Aug. 15	T. B.	Elihu Lindly	12 00

## EXHIBIT "D"—Continued.

DATE.	TO WHOM CHAR'D.	PREEMPTION CLAIMS.	AMOUNT.
1862.			
Aug. 30	T. B.	Thomas S. Richardson	\$ 22 00
Sep. 12	" "	Alva Rogers	22 00
" 30	C. C. Hughes T. B.	J. J. Hughes	21 00
Oct. 22	J. W. Fielder	Ophelia Haley	21 00
" 23	J. E. Crovens	R. Rightell	12 00
" 30	J. D. Abney T. B.	Martin Kilgore	22 00
Nov. 20	M. Faily	Wils n Fa rell	12 00
" 21	T. B.	Elizabeth Culberson	21 11
" 22	John Chism	D. D. Eaton	11 00
Dec. 12	J. W. Hamilton	Nicholas Boon	22 00
1863.			
Jan. 27	T. B.	J. S. Chapman	22 00
" "	" "	Joseph Taylor	21 00
Feb. 2	" "	A. J. Wimack	21 00
" 13	" "	Wm. McGehee	11 00
Nov. 25	B. P. Hammet	John H. Evans	22 00
" 4	T. B.	D. D. Haight	21 00
April 2	" "	Martha Bullock	21 00
" 15	R. H. Givin	J. Bryant	21 00
" 21	T. B.	D. R. Bradberry	21 00
May 27	J. R. Arnold	Morgan G. Palmer	11 00
June 27	P. A. Walker	John Kelly	21 00
July 9	T. R. Anderson	Walter Nutt	11 00
Sep. 1	Felix Parks	N. T. Robinson	21 00
Dec. 9	T. B.	Ben. Enloe	21 00
" 11	M. D. Ector	W. White	20 00
" 14	T. B. No. 1.	Reuben Vest	12 00
1864.			
July 16	D. Strickland	James Mathews	9 00
Total amount Preemption,			\$ 671 00
Amount Settlers' claims as per contra			1,518 25
Total,			<u>\$2,189 25</u>

The foregoing settlers' and preemption claims having been deposited for in specie, and the payment therefor having been made in Confederate money, the same are now withdrawn from the specie deposits and transferred to the column for Confederate money.

## EXHIBIT "E."

COMPTROLLER'S OFFICE, }  
AUSTIN, August 31, 1866. }

I certify that no specie or State Treasury Warrants have been paid into the Treasury from March 1st, 1864, to June 1st, 1865, from the General Land Office, as appears by the books of this Office.

Given under my hand the date above written,

W. L. ROBARDS, Comptroller.

S. J.—SIG. 15

NAME.	AMOUNT.	REFERENCE.	CLASS.	NO.	
Thomas Herron	\$20 00	ledger 1-42	Robertson	3	1461
J P Herrall	81	" 2-40	"	3	4745
B W Reynolds	22	" 2-80	Shelby	3	173
W S Richards	20	" 2-62	"	3	174
W D Corder	11	" 2-214	"	3	243
C E Jones	21	" 2-18	Red River	3	541
W T Barton	81	" 2	Milam	3	1875 Patente
Wm Turpin	81	" 2-132	Shelby	3	198
Martin Wheeler	22	" 2-132	"	3	166
Alfred Wheeler	11	" 2-132	"	3	150
Wm Ferguson	21	T. B. 2	"	3	206
Joseph Moore	80	ledger 2-247	"	3	163
N G Allen	81	" 2-12	Nacogdoch's	3	3466
J N King	80	" 2-12	Robertson	3	5050
Sam'l Gilliland	81	" 2-248	Nacogdoch's	3	3509
F D O Kelly	53	T. B. 2	"	3	3381 \$53 rep
A B Fryread	81	do	Robertson	3	3014 \$80
Thomas M Owen	80	do	"	3	4794 \$57 08
Patrick Guinaty	80	do	Milam	3	1543 \$80
" " "	81	do	"	3	1543 \$51 wit
Wm Conger	55 40	do	Harrison	3	804 \$55 40
Thos M Anderson	20	do	Robertson	3	2599 \$20
L D Porter	81	ledger 2-62	Shelby	3	156
Jas Gibson	21	" 2-155	Nacogdoch's	3	2732
Andrew Essary	11	" 2-114	"	3	2872

NAME.	AMOUNT.	REFERENCE.	CLASS.	NO.
Valentine A Laing	\$12 00	L2-140&2-212	Nacogdoch's 3	2725
J W Davidson	22	ledger 2-284	" 3	3079
Thos M Dearman	21	" 2-284	" 3	3126
David A Ker	81	T. B. 2	Robertson 3	2960
H W Lavender	81	do	" 3	4076
Meleta Little	75	do	" 3	4569
W J Mobley	21	do	" 3	4594
Thompson Mason	21	do	" 3	4754
Thomas O Votaw	21	do	" 3	4846
Jno C Weaver	82	do	" 3	5054
W Brashears	21	do	Sabine 3	29
E P Grigsby	11	do	Rusk 3	483
Susan Jeffers	11	do	" 3	531
Charles L Stewart	12	do	" 3	555
Wm G Eason	81	do	" 3	526
Cornelius Bogard	48 80	do	Shelby S	26
John W Britton	21	do	" 3	211
Thos F Britton	20	do	" 3	295
Albert Fults	81	do	" 3	238
John Clay	21	do	" 3	141
Thos R Goodwin	21	do	" 3	247
Allen Hammers	81	do	" 3	172
Geo S Hutto	81	do	" 3	283
Jas T White	81	do	Nacogdoch's 3	3450
Jno McClure	81	do	" 3	3532



NAMF.	AMOUNT.	REFERENCE.	CLASS.	NO.	
John Deaton	\$20 00	ledger 1-190	Nacogdoch's 3	1900	
Hardy Barker	22	L.2-140,2-212	" 3	2369	
John Milburn	81	T. B. 2	Shelby 3	256	
W B Downs	78	ledger 2-287	Harrison S	162	
J H Flowers	70	" 2-277	? 3		For Monk
Thomas Smith	81	T. B. 2	Shelby 3	153	
J J Woodfin	12	do	" 3	158	
Allen V Smith	33	do	" 3	259	
Wm Snider	21	do	" 3	271	
Sam'l Snider	21	do	" 3	285	
Wm G Baxton	161	do	" S	20	
M J Brown	12	do	S Augustine 3	63	
Sam'l Pierce	13	do	" 3	74	
Jeremiah Nabours	11	do	Milam 3	1421	
J H Ainsworth	81	do	" 3	1468	Patented I
John J Rose	22	do	" 3	1223	
Thomas S Craig	11	do	Nacogdoch's 3	3010	
Wm S Frazier	81	do	Robertson 3	4727	
W W Hanks	81	do	" 3	4854	
Robert Johnson	81	do	" 3	4855	
Abraham Howard	81	do	" 3	4707	
Sylvester Pollard	81	do	Houston 3	993	
Wm Dowdy	11	do	" 3	570	
Garret Myers	11	do	" 3	1085	
Noah Snider	21	do	Harrison 3	614	

NAME.	AMOUNT.	REFERENCE.	CLASS.	NO.	
Hiram Donaho	\$11 00	T. B. 2	Jasper	3	194
A Everett	81	do	Harrison	3	747
John Sansing	21	do	Lampasas	3	609
Sam'l A Fowler	21	do	Jasper	3	294
Henry F Haynes	12	do	Liberty	3	376
S J Simmons	11	do	Jasper	3	185
Lucien Hopson	81	do	Milam	3	1569
A K Landrim	21	do	Shelby	3	152
Rob't S Mangum	81	do	"	3	228
H H McKinney	22	do	"	3	164
Hezekiah Petit	21	do	"	3	251
S Z Sanford	11	do	"	3	226
John Stallings	81	do	"	3	227
A N Smith	11	do	"	3	221
J W Stalling	21	do	"	3	169
E D McKeller	80	do	Nacogdoch's	S	498
Francis Benton	22	do	"	3	2848
Jas W Powell	11	do	"	3	1873
Ole Anderson	81	do	"	3	3575
P J Hardegrave	82	do	"	3	3382
Richard A Seay	83	do	"	3	3228
Catharine Lathrop	20	do	S Augustine	3	89
Nicholas Jacks	21	L2-208 & T B2	Sabine	3	25
Mrs Rafael Garcia	10	T. B 2	San Patricio	1	1418
Jno M Williams	55	do	Bowie	3	808

Hon. J. M.

NAME.	AMOUNT.	REFERENCE.	CLASS.	NO.	
Cors M Amox	\$11 50	T. B. 2	Bowie	3	757
John Killion	81	do	Harrison	3	618
Albert Cross	80 50	do	"	3	753
L W Crawford	81	do	"	3	745
D H Ainsworth	11	do	Houston	3	1145
D M Diggs	25	do	"	3	1186
H H Eaves	81	do	"	3	884
J B Eaves	81	do	"	3	882
M A Delaney	21	do		?	
Fletcher Haitgrave	21	do		?	
John Warren	11	do		?	
A J Laymance	11	do	Nacogdoch's	3	2991
Wm Rose	11	do		?	
J M Wear	10	do		?	
Wm Sessions	82	do		?	
L M Woods	18 75	do	Robertson	3	4091
D H Campbell	11	do		?	
John Higgins	80	do	Robertson	3	3928
	\$5,284 95				Reported

## EXHIBIT "G."

The following is a list and description of the Treasury Warrants in the safe of the General Land Office, this 1st day of June 1865.

DATE.	NO. OF WAR'NT.	AMOUNT OF PRINCIP'L	INTEREST TO 1st M'RGH '64	REMARKS.
1860.				
June 9	99	41 25	15 10	
Nov. 23	597	35 70	11 65	
Dec. 24	807	99 83	31 30	
1861.				
Jan. 2	899	45 00	14 23	
" 7	903	19 00	} 39 60	
" 9	922	108 33		
" 21	960	30 83		
Feb. 4	1220	24 00	7 40	
" 28	1409	33 57	10 05	
Mc'h 4	1425	80 00	23 90	
" 22	1551	23 58	} 50 60	
" 23	1556	100 00		
" 28	1569	49 78		
Ap'l 11	1609	5 60	} 3 20	
" "	1631	5 74		
" 30	1728	25 00		
May 4	1745	75 00	} 48 00	
" "	1747	75 00		
" "	1750	24 70		
" 21	1802	67 50	} 27 40	
" 24	1810	31 15		
" 29	1836	4 13		
June 3	1851	70 00	} 47 57	
" "	1856	89 16		
" "	1862	16 00		
" 7	1892	3 25	} 60 00	
July 17	3069	38 33		
" "	3076	24 16		
" "	3080	87 00		
" 19	3087	40 00		
" 18	3091	23 50		
" "	3093	16 00		

## EXHIBIT "G"—Continued.

DATE.	NO. OF WAR'NT	AMOUNT OF PRINCIP'L	INTEREST TO 1ST M'RGH '64	REMARKS.
1861.				
July 19	3106	21 00	} 35 45	
" "	3128	40 00		
" 24	3171	75 00		
Aug. 7	3337	23 76	} 6 00	
" 23	3471	118 63		
" "	3492	85 66		
" "	3501	6 00	} 68 80	
" "	3509	6 00		
" "	3514	51 66		
" "	3546	7 00	} 31 00	
Sep. 4	3630	84 60		
" 5	3633	40 00		
" 25	3716	29 34	} 22 70	
" "	3718	29 34		
" "	3719	29 34		
Oct. 2	3780	14 00	} 3 30	
" 11	3803	9 60		
" "	3809	9 06		
" 18	3825	10 00	} 4 45	
Nov. 2	3845	24 00		
" "	3447	24 00		
" 7	3885	40 00	} 11 20	
" 9	3930	87 60		
" 14	3965	10 00		
" 15	3976	28 75	} 29 70	
" "	3977	53 85		
" 16	3988	46 50		
" "	3989	37 36	} 46 60	
" "	3990	28 34		
" 15	3974	70 00		
" 23	4021	59 95	} 16 10	
Dec. 24	4204	191 43		
" 28	4251	25 50		
1862.				
Jan. 4	4327	799 02	173 00	

\$3,623 38 \$ 925 12

## EXHIBIT "G."—Continued.

## RECAPITULATION.

Amount of principal of Warrants	-	-	-	\$3,628 33
" interest to 1st of March, 1864	-	-	-	925 12
Further interest from 1st of March, 1864, to 1st of June, 1865, on the principal sum of \$3,628 38, at 10 per cent.	-	-	-	453 50
Total	-	-	-	<u>\$5,007 00</u>

AUSTIN, August 16th, 1866.

Received of Francis M. White the Treasury Warrants embraced in the foregoing list and description of Treasury Warrants, amounting in the aggregate to three thousand six hundred and twenty-eight dollars and thirty-eight cents, exclusive of the interest thereon.

FRED. W. MOORE, Chief Clk G. L. O.

Upon motion of Senator Shannon, reading of the report was dispensed with, and five hundred copies ordered to be printed.

Senator Shelly made the following report :

*To the President of the Senate :*

The Committee on the Judiciary, to whom was referred a bill to be entitled "An Act supplemental to and amendatory of an act entitled an act to regulate the proceedings in the District Courts, approved May 13th, 1846," have had the same under consideration, and a majority of the committee instruct me to report the bill back to the Senate with amendments, and as amended to recommend its passage.

Amend Section 2 by inserting between the word "actual" and "notice," in the third and fourth lines from the end of said section, the words "or constructive."

Strike out third section and insert in lieu thereof the following :

SECTION 3. That all deeds or conveyances of lands made to purchasers for valuable consideration, by persons who had previously deeded the said lands to parties incapable from any cause of taking title thereto, and whose incapacity has not heretofore been removed, be held to remain vested in such vendor or parties to whom they may have conveyed, or may hereafter convey, and that this act take effect and be in force from and after its passage.

Senator Yarbrow, Chairman of Committee on Commerce and Manufactures, reports and recommends the passage of a bill to incorporate the Fredericksburg Action Mill Company.

Senator Parker, Chairman of Committee on Enrolled Bills, reports as correctly enrolled the following bills :

A bill to be entitled "An Act to incorporate the Texas Transportation Company."

A bill to provide for the protection of the frontier of the State of Texas.

Senator Saufley introduced a bill to incorporate the Lake and Lock and Dam Company. Rule suspended, bill read by caption, and referred to Committee on Internal Improvements.

A message was received from the House announcing the passage of the following bills :

A bill to incorporate the Orphans' Home at Bayland.

Senate bill to prohibit the sale of spirituous liquors within three miles of Osage Academy, in the county of Colorado, except for medicinal or sacramental purposes.

Joint resolution providing for the printing of the journals and laws of the present session of the Legislature.

A bill to authorize Senator R. H. Guinn to receive from the Treasurer the per diem and mileage due the Hon. J. W. Guinn, deceased.

A bill making an appropriation for the mileage and per diem pay due J. B. Boyd, delegate to the late Convention.

Senator Jowers introduced a bill to provide for the organization of joint stock companies for works of internal improvements, and for other purposes.

Bill read first time and referred to Committee on Commerce and Manufactures.

Senator Shelley introduced a bill amendatory of and supplemental to an act to ascertain and adjudicate certain legal claims for land against the State, situated between the Nueces and Rio Grande rivers, approved February 11th, 1860.

Bill read first time and referred to Judiciary Committee.

Senator Shannon offered the following resolution :

WHEREAS, The Joint Committee on Land Office were authorized by resolution to appoint a person to assist them in investigating the books in reference to the charge of defalcation, and said committee having appointed B. H. Davis ; therefore,

*Be it resolved*, That for the time served by said Davis, he shall be allowed pay at the rate of eight dollars per day ; and the Secretary of the Senate is hereby authorized to draw his certificate upon the Comptroller in favor of said Davis for the amount shown to be due, which, on presentation of the certificate of the Chairman, certifying the number of days served, shall be paid in like manner with other officers of the Senate.

Resolution read first time and referred to Finance Committee.

Upon motion of Senator Neyland, Senator Lane was excused from attendance on the Senate to-day.

The Senate resumed the consideration of the bill for the relief of creditors in certain cases, pending which it had adjourned on yesterday.

Senator Jowers moved to lay the substitute for the bill on the table.

Motion lost by the following vote :

YEAS—Senator Coppedge, Dalrymple, Jowers, McDade, Nelson, Read and Saufley—7

NAYS—Senators Braswell, Boyd, Blount, Brown, Bumpass, Foscue, Guinn, Knox, Neyland, Parker, Record, Selman, Shelley, Truitt and Yarbrow—15.

Upon motion of Senator Record, the substitute was adopted by the following vote :

YEAS—Senator Braswell, Blount, Boyd, Cooley, Foscue,



Guinn, Knox, Neyland, Parker, Record, Selman, Shelley, Truitt and Yarbrow—14.

NAYS—Senators Brown, Bumpass, Coppedge, Dalrymple, Jowers, McDade, Nelson, Reed and Saufley—9.

Upon motion of Senator Guinn, the Senate adjourned until to-morrow morning, 9½ o'clock.

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SENATE CHAMBER, }  
Sept. 21, 1866. }

Senate met pursuant to adjournment.

Prayer by the chaplain.

Roll called.—quorum present.

Journal of yesterday read and adopted.

Senator Shelley presented petition of W. B. Coffee.

Read first time and referred to Committee on Federal Relations.

Senator Neyland, Chairman of Committee on Engrossed Bills, reports the following bills correctly engrossed :

A bill to be entitled "An Act to authorize the Police Court of the county of Denton to issue bonds of the county, for the purpose of erecting public buildings for the county.

A bill to be entitled "An Act to incorporate the Honey Springs Ferry Company."

Senator Braswell, Chairman of Committee on Internal Improvements, reported and recommended the passage of a bill to extend for twenty years the provisions of an act to incorporate the Protection Fire Company, in the city of Houston, approved January 20th, 1848.

Senator Cook introduced a bill to exclude from the right of suffrage persons who may be convicted of infamous crimes.

Read first time and referred to Judiciary Committee.

Also, introduced a bill to exclude from serving on juries persons who may be convicted of infamous crimes.

Read first time and referred to Committee on Judiciary.

Senator McDade introduced a bill to incorporate the Planters' and Mechanics' Manufacturing Company.

Read first time and referred to Committee on Commerce and Manufactures.

Senator Jowers introduced a bill to authorize the Financial Agent of the Penitentiary to appoint a person to examine the books and papers of that Institution, and report thereon, and for other purposes.